

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 07-20246
Honorable David M. Lawson

VICTOR DESHAWN HOLMES,

Defendant.

_____ /

ORDER DENYING DEFENDANT’S MOTION FOR RECONSIDERATION

On December 19, 2011, the defendant, Victor Deshawn Holmes, filed a motion *pro se* to vacate his guilty plea and dismiss his case, and on January 4, 2012, the Court entered an order denying the defendant’s motion. The matter is now before the Court on the defendant’s motion for reconsideration of the Court’s January 4, 2012 order denying defendant’s motion to vacate guilty plea and dismiss case.

A motion for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(h)(1) when the moving party shows (1) a “palpable defect,” (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(h)(3). A “palpable defect” is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mich. Dep’t of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted). The defendant has not presented any evidence of a palpable defect that misled the Court. Instead, the defendant’s motion merely revisits issues already decided by the Court. Therefore, the Court will deny the defendant’s motion for reconsideration.

Accordingly, it is **ORDERED** that the defendant's motion for reconsideration [dkt. #378] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 9, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 9, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL